

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PABLO FIERRO,

Plaintiff,

Case No.: 1:01-cv-615

v.

HONORABLE PAUL L. MALONEY

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

\_\_\_\_\_ /

**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by United States Magistrate Judge Ellen S. Carmody in this action (ECF No. 37). The Report and Recommendation was electronically served on the attorneys of record for this case. Upon receipt of the Report and Recommendation, counsel for the plaintiff promptly informed the Court that neither he nor his firm represent the plaintiff at this time and do not know where the plaintiff resides. The record for this case is replete with attempts by the government to locate the plaintiff in connection with this matter without success. The plaintiff has a continuing obligation to apprise the Court of his current address. *See* W.D. Mich. L.Civ.R. 41.1.

After being served with a Report and Recommendation issued by a Magistrate Judge, a party has ten days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). Failure to file an objection results in a waiver of the issue and the issue cannot be appealed. *Id.* *See also Thomas v. Arn*, 474 U.S. 140, 155 (1985) (upholding the Sixth Circuit's practice). No

objections have been filed to date.

This Court has reviewed the merits of the report and finds the magistrate judge's reasoning and conclusions sound.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation (ECF No. 37) is **ADOPTED** as the Court's opinion;
2. The defendant's motion for relief from judgment (ECF No. 28) is **GRANTED IN PART AND DENIED IN PART** for the reasons stated in the Report and Recommendation.

Dated: November 8, 2013

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge